



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,270	07/19/2001	Thomas E. Creamer	BOC9-2000-0058 (193)	2916
40987	7590	07/10/2008	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			NGUYEN, TOAN D	
ART UNIT	PAPER NUMBER			
		2616		
MAIL DATE	DELIVERY MODE			
07/10/2008	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/910,270	CREAMER ET AL.
	Examiner TOAN D. NGUYEN	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

1) Responsive to communication(s) filed on 08 April 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-21,23-30 and 32-44 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-21,23-30 and 32-44 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 24 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/964/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Intent to File a Patent Application  
Paper No(s)/Mail Date \_\_\_\_\_

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 04/08/08 have been fully considered but they are not persuasive.

The applicant argues with respect to claims 1, 3-6, 8-14, 16, 17, 21, 23-30 and 32-40 on page 21, fourth paragraph that Gifford does not disclose or suggest the claimed feature of the voice communications being established only by way of accessing the selectable symbol in the e-mail message. The examiner disagrees. Gifford clearly teaches at Abstract, lines 2-7 in the following passage: "The subscriber utilizes an active interface embedded in an email notification to control delivery of a non-literal, single media or multimedia message to the subscriber. Such a non-literal message includes, but is not limited to, any of a hyperlink-based message, a voicemail message, a facsimile, and a video clip." To establish the voice communications, the subscriber or user selects or clicks on a button (see figure 2, reference 202, col. 10, line 9 to col. 11, line 17). In doing so, the user or subscriber established the voice communications by way of accessing the selectable button (symbol means) in the e-mail message.

The applicant argues with respect to claims 7, 15 and 18-20 on page 22, second paragraph that the claims include the feature of the voice communication being established only by way of accessing the selectable symbol in the email message, and for the reasons described above, claims 7, 15 and 18-20 are patentable over this combination of art. The examiner disagrees. Claims 7, 15 and 18-20 are dependent of

independent claims 1 and 10. Claims 1 and 10 are rejected, therefore, claims 7, 15 and 18-20 are also rejected.

The applicant argues with respect to claim 41-43 on page 22, third paragraph that Gifford and Davis do not disclose the feature of the voice communication being established only by way of accessing the selectable symbol in the e-mail message. The examiner disagrees. The examiner refers to the same response regard to claim 1 above.

The applicant argues with respect to claim 44 on page 22, fourth paragraph that claim 44 includes the feature of the voice communication being established only by way of accessing the selectable symbol in the e-mail message., and for the reasons described above, claim 44 is patentable over this combination of art. The examiner disagrees. The examiner refers to the same response regard to claim 1 above.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3-6, 8-14, 16-17, 21, 23-30 and 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford et al. (US 6,549,612) in view of Shenefiel (US 6,857,008) further in view of Davis et al. (US 5,937,160).

For claim 1, Gifford et al. disclose unified communication services via e-mail, comprising:

inserting a voice communications in an e-mail message (col. 6, lines 30-33, and col. 7, lines 28-30) sent from a sender at a sending node (caller means, figure 5, reference step 500, col. 14, lines 19-20) to a recipient at a receiving node (figure 2, user interface means or subscriber means)(figure 5, reference steps 580, 590 and 595, col. 15, lines 18-26), wherein said voice communications comprises a selectable symbol for establishing voice communications by the recipient; wherein, if said e-mail message is sent to a plurality of recipients, said inserting step comprises inserting a voice communications comprising a plurality of selectable symbols, each symbol uniquely corresponding to one of the plurality of recipients, and wherein communications with one or more recipients can be established by selecting one or more corresponding ones of the plurality of selectable symbols (figure 2, reference 202, col. 5, line 65 to col. 6, line 14);

embedding within said voice communications an executable voice communications link program code (col. 6, lines 30-33, and col. 7, lines 28-30), said

program code configured to execute within said receiving node (figure 2, user interface means or subscriber means)(col. 6, lines 35-37, and col. 8, lines 65-67) to establish a voice communication link for transmitting and receiving voice communications over a voice-based communications network between said sending node and said receiving node (col. 9, line 55 to col. 10, line 6, and col. 11, lines 1-4);

transmitting said e-mail message to said recipient (figure 5, reference steps 580, 590 and 595, col. 15, lines 18-26); and

responsive to said recipient selecting said voice communication (figure 6, col. 8 lines 55-58 and col. 15 lines 56-58), establishing said voice communications link between said sender and said recipient (figure 2, user interface means or subscriber means)(col. 10 lines 7-34), and wherein the voice communication are established only by way of accessing the selectable symbol in the e-mail message (col. 8, lines 55-67, and col. 10, line 9 to col. 11, line 17).

However, Gifford et al. do not expressly disclose a voice communications identifier. In analogous art, Shenefiel discloses a voice communications identifier (col. 7 lines 48-50).

One skilled in the art would have recognized the voice communication identifier, and would have applied Shenefiel's XML tag in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shenefiel's arrangement for accessing an IP-based messaging server by telephone for management of stored messages in Gifford et al.'s unified

communication services via e-mail with the motivation being to perform an IMAP operation based on supplied user speech information (col. 7 lines 50-51).

Furthermore, Gifford et al. in view of Shenefiel do not expressly disclose wherein said program code comprises a binary representation of a compiled object. In an analogous art, Davis et al. disclose wherein said program code comprises a binary representation of a compiled object (col. 12 line 46).

One skilled in the art would have recognized the wherein said program code comprises a binary representation of a compiled object, and would have applied Davis et al.'s binary files in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Davis et al.'s systems, methods and computer program products for updating hypertext documents via electronic mail in Gifford et al.'s unified communication services via e-mail with the motivation being to provide non-text files, including, but not limited to audio, video and graphic files, may be included with an e-mail message as attachments (col. 12 lines 43-45).

For claim 3, Gifford et al. disclose wherein said inserting step further comprises the step of inserting in said e-mail message a reference to said sender of said e-mail message (figure 2, col. 4 lines 35-40 and col. 5 lines 25-37).

For claim 4, Gifford et al disclose wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier, executing said executable voice communications link program code in order to establish

said voice communications link with said sender (col. 7 lines 28-30 and col. 8 lines 65-67).

For claim 5, Gifford et al disclose wherein said establishing step comprises the step of responsive to said recipient (figure 2, user interface means or subscriber means) selecting said voice communications identifier (col. 7 lines 28-30, and col. 8 lines 65-67), determining a link address for said sender based on said reference, and executing said executable voice communications link program code at said receiving node in order to establish said voice communications link with said sender according to said determined line address (figure 5, reference step 500, col. 14 lines 38).

For claim 6, Gifford et al disclose further comprising determining a voice communication capability between the sending and receiving node; and selecting one of a Voice over IP link and a public switched telephone network link based on the determined capability (figure 2, reference 202, col. 11, lines 1-17).

For claim 8, Gifford et al disclose wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier (col. 7 lines 28-30, and col. 8 lines 65-67), establishing a Voice over IP (VoIP) based voice communications link with said recipient (col. 11 lines 3-4).

For claim 9, Gifford et al disclose wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier (col. 8 lines 65-67), establishing a telephony-based voice communications link with said recipient over a public switched telephone network (PSTN)(col. 11 lines 1-4).

For claim 10, Gifford et al disclose unified communication services via e-mail, comprising:

detecting a voice communications inserted in an e-mail message (col. 6, lines 30-33, and col. 7, lines 28-30) transmitted by a sender at a sending node (caller means, figure 5, reference step 500, col. 14, lines 19-20) to a recipient at a receiving node (figure 2, user interface means or subscriber means)(figure 5, reference steps 580, 590 and 595, col. 15, lines 18-26), said voice communications comprises a selectable icon for establishing voice communications by the recipient (figure 2, reference 202, col. 5, line 65 to col. 6, line 14) and having embedded therein an executable voice communications link program code (col. 6, lines 30-33, and col. 7, lines 28-30) configured to execute within said receiving node (col. 8 lines 65-67) to establish said voice communications link for transmitting and receiving voice communications over a voice-based communications network between said sending node and said receiving node (col. 9, line 55 to col. 10, line 6, and col. 11, lines 1-4);

responsive to detecting said voice communications (figure 5, reference 510, col. 14 lines 47-50), displaying a selectable icon (figure 4, col. 8, lines 16-19, and col. 8, lines 55-58); and

responsive to a selection of said icon (figure 6, col. 8, lines 55-58, and col. 15, lines 56-58), establishing a voice communications link between said sender and said recipient (col. 10, lines 7-34),

wherein, if said e-mail message is sent to a plurality of recipients, said detecting step comprises detecting a voice communication identifier comprising a plurality of

selectable icon, each icon uniquely corresponding to one of the plurality of recipients, and wherein communications with one or more recipients can be established by selecting one or more corresponding one of the plurality of selectable icons (figure 2, reference 202, col. 5, line 65 to col. 6, line 14), and wherein the voice communication are established only by way of accessing the selectable symbol in the e-mail message (col. 8, lines 55-67, and col. 10, line 9 to col. 11, line 17).

However, Gifford et al. do not expressly disclose a voice communications identifier. In an analogous art, Shenefiel discloses a voice communications identifier comprises a selectable icon for establishing voice communications by the recipient (col. 7, lines 48-50).

One skilled in the art would have recognized the voice communications identifier, and would have applied Shenefiel's XML tag in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shenefiel's arrangement for accessing an IP-based messaging server by telephone for management of stored messages in Gifford et al.'s unified communication services via e-mail with the motivation being to perform an IMAP operation based on supplied user speech information (col. 7, lines 50-51).

Furthermore, Gifford et al. in view of Shenefiel do not expressly disclose wherein said program code comprises a binary representation of a compiled object. In an analogous art, Davis et al. disclose wherein said program code comprises a binary representation of a compiled object (col. 12, line 46).

One skilled in the art would have recognized the wherein said program code comprises a binary representation of a compiled object, and would have applied Davis et al.'s binary files in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Davis et al.'s systems, methods and computer program products for updating hypertext documents via electronic mail in Gifford et al.'s unified communication services via e-mail with the motivation being to provide non-text files, including, but not limited to audio, video and graphic files, may be included with an e-mail message as attachments (col. 12, lines 43-45).

For claim 11, Gifford et al disclose wherein said establishing step comprises the step of extracting said executable voice communications link program code from said voice communications identifier to establish said voice communications link with said sender (col. 6, lines 53-61 and col. 14, lines 44-50); and

responsive to said selection of said icon, executing said executable voice communications link program code (col. 6, lines 47-61).

For claim 12, Gifford et al disclose extracting an embedded reference to said sender from said e-mail message; determining a voice communication capability between the sending and receiving nodes; and selecting one of a Voice over IP link and a public switched telephone network link based on the determined capability (figure 2, reference 202, col. 11, lines 1-17, and col. 14, lines 44-50).

For claim 13, Gifford et al disclose wherein said executing step further comprises the step of:

determining a link address for said sender based on said extracted reference (figure 5, reference step 500, col. 14, lines 38), and executing said executable voice communications link program code in order to establish said voice communications link with said sender according to said determined line address (col. 6, lines 56-61).

For claim 14, Cloutier discloses wherein said link address is a telephone number (col. 14 lines 38).

For claim 16, Gifford et al disclose wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier, establishing a Voice over LP (VoIP) based voice communications link with said recipient (col. 11, lines 3-4).

For claim 17, Gifford et al disclose wherein said establishing step comprises the step of responsive to said recipient selecting said voice communications identifier, establishing a telephony-based voice communications link with said recipient over a public switched telephone network (PSTN)(col. 11, lines 1-4).

For claim 21, Gifford et al. disclose unified communication services via e-mail, comprising:

inserting a voice communication in an e-mail message (col. 6, lines 30-37, and col. 7, lines 28-30) from a sender (caller means, figure 5, reference step 500, col. 14, lines 19-20) to a recipient node (figure 2, user interface means or subscriber means) (figure 5, reference steps 580, 590 and 595, col. 15, lines 18-26), said voice communications comprises a selectable symbol for establishing voice communications

by the recipient (figure 2, reference 2202, col. 5, line 65 to col. 6, line 14) and having embedded therein an executable voice communications link program code (col. 6, lines 30-33, and col. 7, lines 28-30) configured to execute within said receiving node (col. 8, lines 65-67) to establish said voice communications link for transmitting and receiving voice communications over a voice-based communications network between said sending node and said receiving node (col. 9, line 55 to col. 10, line 6, and col. 11, lines 1-4);

transmitting said e-mail message to said recipient (figure 5, reference steps 580, 590 and 595, col. 15, lines 18-26); and

responsive to said recipient selecting said voice communication (figure 6, col. 8, lines 55-58 and col. 15, lines 56-58), establishing a voice communications link between said sender and said recipient (col. 10, lines 7-34)

wherein, if said e-mail message is sent to a plurality of recipients, said detecting step comprises detecting a voice communication comprising a plurality of selectable icon, each icon uniquely corresponding to one of the plurality of recipients, and wherein communications with one or more recipients can be established by selecting one or more corresponding one of the plurality of selectable icons (figure 2, reference 202, col. 5, line 65 to col. 6, line 14), and wherein the voice communication are established only by way of accessing the selectable symbol in the e-mail message (col. 8, lines 55-67, and col. 10, line 9 to col. 11, line 17).

However, Gifford et al. do not expressly disclose a voice communication identifier. In an analogous art, Shenefiel discloses a voice communication identifier (col. 7, lines 48-50).

One skilled in the art would have recognized the voice communication identifier, and would have applied Shenefiel's XML tag in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shenefiel's arrangement for accessing an IP-based messaging server by telephone for management of stored messages in Gifford et al.'s unified communication services via e-mail with the motivation being to perform an IMAP operation based on supplied user speech information (col. 7, lines 50-51).

Furthermore, Gifford et al. in view of Shenefiel do not expressly disclose wherein said program code comprises a binary representation of a compiled object. In an analogous art, Davis et al. disclose wherein said program code comprises a binary representation of a compiled object (col. 12, line 46).

One skilled in the art would have recognized the wherein said program code comprises a binary representation of a compiled object, and would have applied Davis et al.'s binary files in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Davis et al.'s systems, methods and computer program products for updating hypertext documents via electronic mail in Gifford et al.'s unified communication services via e-mail with the motivation being to provide non-text files, including, but not limited to audio, video and

graphic files, may be included with an e-mail message as attachments (col. 12, lines 43-45).

For claim 23, wherein said inserting step further comprises the step of inserting in said e-mail message a reference to said sender of said e-mail message, and wherein the establishing of the voice communications further comprises determining a voice communication capability between the sending and receiving nodes; and selecting one of a Voice over IP link and a public switched telephone network link based on the determined capability (figure 2, reference 202, col. 11, lines 1-17).

For claim 24, the claim is directed to the same subject matter in claim 4. Therefore, it is subjected to the same rejection.

For claim 25, the claim is directed to the same subject matter in claim 5. Therefore, it is subjected to the same rejection.

For claims 26 and 34, the claims are directed to the same subject matter in claim 6. Therefore, they are subjected to the same rejection.

For claims 27 and 35, the claims are directed to the same subject matter in claim 7. Therefore, they are subjected to the same rejection.

For claims 28 and 36, the claims are directed to the same subject matter in claim 8. Therefore, they are subjected to the same rejection.

For claims 29 and 37, the claims are directed to the same subject matter in claim 9. Therefore, they are subjected to the same rejection.

For claims 30 and 38-40, Gifford et al disclose unified communication services via e-mail, comprising:

detecting a voice communications inserted in an e-mail message (col. 6, lines 30-37, and col. 7, lines 28-30) transmitted by a sender at a sending node (caller means, figure 5, reference step 500, col. 14, lines 19-20) to a recipient at a receiving node (figure 2, user interface means or subscriber means)(figure 5, reference steps 580, 590 and 595, col. 15, lines 18-26), said voice communications identifier comprising a selectable icon for establishing voice communications by the recipient (figure 2, col. 5, line 65 to col. 6, line 14);

responsive to detecting said voice communications (figure 5, reference 510, col. 14, lines 47-50), displaying a selectable icon (figure 4, col. 8, lines 16-19, and col. 8, lines 55-58); and

responsive to a selection of said icon (figure 6, col. 8, lines 55-58, and col. 15, lines 56-58), extracting a voice communications link program code with said voice communications (col. 8, lines 65-67) and establishing a voice communications link for transmitting and receiving voice communications over a voice-based communications network between said recipient and said sender by executing said voice communications link program code at said receiving node (col. 9, line 55 to col. 10, line 6, and col. 11, lines 1-4);

wherein, if said e-mail message is sent to a plurality of recipients, said detecting step comprises detecting a voice communication identifier comprising a plurality of selectable icon, each icon uniquely corresponding to one of the plurality of recipients, and wherein communications with one or more recipients can be established by selecting one or more corresponding one of the plurality of selectable icons (figure 2,

reference 202, col. 5, line 65 to col. 6, line 14), and wherein the voice communication are established only by way of accessing the selectable symbol in the e-mail message (col. 8, lines 55-67, and col. 10, line 9 to col. 11, line 17).

However, Gifford et al. do not expressly disclose a voice communications identifier. In an analogous art, Shenefiel discloses a voice communications identifier (col. 7, lines 48-50).

One skilled in the art would have recognized the voice communications identifier, and would have applied Shenefiel's XML tag in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shenefiel's arrangement for accessing an IP-based messaging server by telephone for management of stored messages in Gifford et al.'s unified communication services via e-mail with the motivation being to perform an IMAP operation based on supplied user speech information (col. 7, lines 50-51).

Furthermore, Gifford et al. in view of Shenefiel do not expressly disclose wherein said program code comprises a binary representation of a compiled object. In an analogous art, Davis et al. disclose wherein said program code comprises a binary representation of a compiled object (col. 12, line 46).

One skilled in the art would have recognized the wherein said program code comprises a binary representation of a compiled object, and would have applied Davis et al.'s binary files in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Davis et al.'s systems, methods and computer program products for updating hypertext documents

via electronic mail in Gifford et al.'s unified communication services via e-mail with the motivation being to provide non-text files, including, but not limited to audio, video and graphic files, may be included with an e-mail message as attachments (col. 12, lines 43-45).

For claim 32, Gifford et al. disclose further comprising the step of extracting an embedded reference to said sender from said e-mail message; determining a voice communication capability between the sending and receiving nodes; and selecting one of a Voice over IP link and a public switched telephone network link based on the determined capability (figure 2, reference 202, col. 11, lines 1-17, and col. 14, lines 44-50).

For claim 33, the claim is directed to the same subject matter in claim 13. Therefore, it is subjected to the same rejection.

5. Claims 7, 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford et al. (US 6,549,612) in view of Shenefiel (US 6,857,008) and Davis et al. (US 5,937,160) further in view of Funk et al (US 5,937,162).

For claims 7, 15 and 18, Gifford et al disclose extracting embedded references to said sender, said embedded references being extracted from said e-mail message and displaying a corresponding selectable icon (col. 8, lines 49-67, and col. 14, lines 47-50 as set forth in claim 18).

However, Gifford et al in view of Shenefiel do not expressly disclose at least one other recipient of said e-mail message and displaying for each of said at least one other recipient. In an analogous art, Funk et al disclose at least one other recipient of said e-

mail message and displaying for each of said at least one other recipient (figure 1, reference 114, col. 5, lines 66-67 as set forth in claim 18).

Gifford in view of Shenefiel disclose wherein said link address is at least one of a telephone number (col. 9, lines 55-56), and Funk et al. disclose wherein said link address is at least one of a telephone number and an IP address (col. 2, line 25 as set forth in claims 7 and 15).

One skilled in the art would have recognized the at least one other recipient of said e-mail message and displaying for each of said at least one other recipient, and would have applied Funk et al.'s service processing system in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Funk et al.'s method and apparatus for high volume e-mail delivery in Gifford et al.'s unified communication services via e-mail with the motivation being to feed those e-mail messages through the internet 106 to end user terminals 114 (col. 5, lines 66-67).

For claim 19, Gifford et al. disclose wherein said executing step further comprises the step of:

responsive to a selection of one of said selectable icons, identifying a corresponding recipient (col. 6, lines 15-65, and col. 7, lines 28-30), determining a link address for said corresponding recipient based on said extracted reference, and executing said executable voice communications link program component in order to establish said voice communications link with said sender according to said

determined line address (figure 5, reference step 500, col. 8, lines 65-67, and col. 14, lines 38).

For claim 20, Gifford et al. disclose wherein said executing step further comprises the step of:

responsive to a selection of two or more of said selectable icons, identifying a corresponding recipient (col. 6, lines 15-65, and col. 7, lines 28-30), determining a link address for said corresponding recipient based on said extracted reference (figure 5, reference step 500, col. 14, line 38), and

executing said executable voice communications link program component in order to establish a voice communications link with said sender according to said determined line address (figure 5, reference step 500, col. 8, lines 65-67, and col. 14, line 38).

6. Claims 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martino, II (US 5,680,551) in view of Gifford et al. (US 6,549,612) further in view of Davis et al. (US 5,937,160).

For claims 41-43, Martino, II discloses electronic messaging method of and system for heterogeneous connectivity and universal and generic interfacing for distributed applications and processes residing in wide variety of computing platforms and communication transport facilities, comprising:

a message header component encapsulating a reference to at least one of a sending node (figure 5, reference SENDING COMPUTER) in the network and a

recipient node (figure 5, reference RECEIVING COMPUTER) in the network (col. 10, lines 28-29);

a text message component encapsulating message text (col. 1, lines 30-36).

However, Martino, II does not expressly disclose message text which can be extracted from the electronic message and displayed in a message client; and an executable voice communications link program code configured to establish a voice communications link for transmitting and receiving voice communications over a voice-based communications network between said sending and recipient nodes by executing within said recipient node.

In an analogous art, Gifford et al. disclose message text which can be extracted from the electronic message and displayed in a message client (col. 6, lines 47-53, and col. 14, lines 47-50); said message header further containing a selectable icon for establishing voice communications by the recipient (figure 2, reference 202, col. 5, line 65 to col. 6, line 14) and an executable voice communications link program component configured to establish a voice communications link for transmitting and receiving voice communications over a voice-based communications network between said sending and recipient nodes by executing within said recipient node (col. 9, line 55 to col. 10, line 6, and col. 11, lines 1-4), and wherein said program codes executes in response to selecting said selectable icon, wherein, if said e-mail message is sent to a plurality of recipients, said detecting step comprises detecting a voice communication identifier comprising a plurality of selectable icon, each icon uniquely corresponding to one of the plurality of recipients, and wherein communications with one or more

recipients can be established by selecting one or more corresponding one of the plurality of selectable icons (figure 2, reference 202, col. 5, line 65 to col. 6, line 14), and wherein the voice communication are established only by way of accessing the selectable symbol in the e-mail message (col. 8, lines 55-67, and col. 10, line 9 to col. 11, line 17).

Gifford et al. disclose wherein the establishing of the voice communications comprises determining a voice communication capability between the sending and recipient node; and selecting one of a Voice over IP link and a public switched telephone network link based on the determined capability (figure 2, reference 202, col. 11, lines 1-17 as set forth in claim 42), wherein said voice communications link is one of a telephony-based link and a Voice over IP (VoIP) based communication link (col. 11, lines 1-17 as set forth in claim 43).

One skilled in the art would have recognized the message text which can be extracted from the electronic message and displayed in a message client, and would have applied Gifford et al.'s e-mail message in Martino, II.'s encapsulation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Gifford et al.'s unified communication services via e-mail in Martino, II's electronic messaging method of and system for heterogeneous connectivity and universal and generic interfacing for distributed applications and processes residing in wide variety of computing platforms and communication transport facilities with the motivation being to

provide the extended functionality and power gained in sending an enriched e-mail message (including a user interface) as compared to a conventional text only e-mail messages (col. 5, lines 54-57).

Furthermore, Martino, II in view of Gifford et al. do not expressly disclose wherein said program code comprises a binary representation of a compiled object. In an analogous art, Davis et al. disclose wherein said program code comprises a binary representation of a compiled object (col. 12, line 46).

One skilled in the art would have recognized the wherein said program code comprises a binary representation of a compiled object, and would have applied Davis et al.'s binary files in Martino, II's encapsulation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Davis et al.'s systems, methods and computer program products for updating hypertext documents via electronic mail in Martino, II's electronic messaging method of and system for heterogeneous connectivity and universal and generic interfacing for distributed applications and processes residing in wide variety of computing platforms and communication transport facilities with the motivation being to provide non-text files, including, but not limited to audio, video and graphic files, may be included with an e-mail message as attachments (col. 12, lines 43-45).

7. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford et al. (US 6,549,612) in view of Shenefiel (US 6,857,008) and Martino, II (US 5,680,551) further in view of Davis et al. (US 5,937,160).

For claim 44, Gifford et al disclose unified communication services via e-mail, comprising:

a conventional e-mail processor (figure 1, col. 3, lines 54-55), said conventional e-mail processor extracting and displaying message text in an e-mail conveyed by a sender to a recipient in a data communication network (col. 6, lines 47-53, and col. 15, lines 18-26); and

a processor (figure 1, col. 3, lines 54-55), said processor identifying a voice communication link comprising a selectable symbol for establishing voice communications by the recipient (figure 2, reference 202, col. 5, line 65 to col. 6, line 14) in said received e-mail (col. 6, lines 53-61), displaying said selectable icon in response to detecting said voice communication link identifier (col. 6, lines 53-66) and, responsive to a selection of said selectable icon, establishing a voice communications link for transmitting and receiving voice communications over a voice-based communications network between said recipient and said sender of said received e-mail (col. 9, line 55 to col. 10, line 6, and col. 11, lines 1-4) by executing an executable voice communications link program code embedded in said link identifier (col. 6, lines 55-67, and col. 9, lines 2-7);

wherein, if said e-mail message is sent to a plurality of recipients, said detecting step comprises detecting a voice communication identifier comprising a plurality of selectable icon, each icon uniquely corresponding to one of the plurality of recipients, and wherein communications with one or more recipients can be established by selecting one or more corresponding one of the plurality of selectable icons (figure 2,

reference 202, col. 5 line 65 to col. 6 line 14), and wherein the voice communication are established only by way of accessing the selectable symbol in the e-mail message (col. 8, lines 55-67, and col. 10, line 9 to col. 11, line 17).

However, Gifford et al. do not expressly disclose a voice communications identifier, a voice conversation processor, message text encapsulated in a received e-mail, and wherein said program code comprises a binary representation of a compiled object. In an analogous art, Shenefiel discloses a voice communications identifier (col. 7 lines 48-50), and a voice conversation processor (figure 3, reference 66, col. 6 lines 21-23).

One skilled in the art would have recognized the voice communications identifier, and the voice conversation processor, and would have applied Shenefiel's XML tag in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shenefiel's arrangement for accessing an IP-based messaging server by telephone for management of stored messages in Gifford et al.'s unified communication services via e-mail with the motivation being to perform an IMAP operation based on supplied user speech information (col. 7 lines 50-51).

Furthermore, Gifford et al. in view of Shenefiel do not expressly disclose message text encapsulated in a received e-mail. In an analogous art, Martino, II discloses message text encapsulated in a received e-mail (col. 1 lines 31-33).

One skilled in the art would have recognized the message text encapsulated in a received email to use the teachings of Martino, II in the system of Gifford et al.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the message text encapsulated in a received e-mail as taught by Martino, II in Gifford et al's system with the motivation being to produce at each final destination (col. 1 lines 33-36).

Moreover, Gifford et al in view of Shenefiel and Martino, II does not expressly disclose wherein said program code comprises a binary representation of a compiled object. In an analogous art, Davis et al. disclose wherein said program code comprises a binary representation of a compiled object (col. 12 line 46).

One skilled in the art would have recognized the wherein said program code comprises a binary representation of a compiled object, and would have applied Davis et al.'s binary files in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Davis et al.'s systems, methods and computer program products for updating hypertext documents via electronic mail in Gifford et al.'s unified communication services via e-mail with the motivation being to provide non-text files, including, but not limited to audio, video and graphic files, may be included with an e-mail message as attachments (col. 12 lines 43-45).

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN D. NGUYEN whose telephone number is (571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./  
Examiner, Art Unit 2616

/FIRMIN BACKER/  
Supervisory Patent Examiner, Art Unit 2616